

C280 ¹⁴⁶ 166. The method of claim ¹⁴² ~~147~~ wherein delivering comprises:
delivering the drug to myocardium.--

C29 ¹³⁷ 167. The method of claim ¹³⁶ ~~142~~ wherein delivering a drug comprises:
delivering genetic material.

¹⁴¹ 168. The method of claim ¹³⁸ ~~143~~ wherein delivering a drug comprises:
delivering genetic material.

REMARKS

This is in response to the Office Action mailed on June 16, 2000. Claims 1-61, 64-94, 96-129, 132-139, 142-145, 147-150, 164, and 166-168 were pending in the application, and the Examiner rejected all claims. With this amendment, all claims remain unchanged from previous action in the application, but have been reformatted to satisfy 37 C.F.R. 1.121(b).

On page 2 of the Office Action, the Examiner noted that a supplemental reissue oath/declaration under 37 C.F.R. 1.175(b) (1) had not been received from inventor Donald F. Palme and Bradley C. Linden. Accordingly, proper supplemental reissue oath/declaration for Donald F. Palme and Bradley C. Linden are included with this response.

The Examiner also indicated that the original patent or an affidavit or declaration as to loss or inaccessibility of the original patent must be received before this application can be allowed. Accordingly, the original copy of U.S. Patent No. 5,538,504 has been included with this response.

On page 3 of the Office Action, the Examiner indicated that a supplemental paper correctly amending the reissue application in accordance with 37 C.F.R. 1.121(b) would be required. An amendment filed on September 17, 1999, proposed amendments to claims 67, 70, 74, 75, 78, 82, 83, 93, 97, 110, 116, 117, 164 and 166 and an amendment filed May 5, 2000, proposed amendments to claims 57, 86, 91, 103, 120, 125, 132, 133, 139, 142, 143, 147, 167 and 168 that did not comply with 37 C.F.R. 1.121(b). Accordingly, the amended claims of the current amendment reflect the amendments proposed on September 17, 1999 and May 5, 2000 and are in a format consistent with 37 C.F.R. 1.121(b). In particular, the claims contain no bracketing or other indication of what was in previous versions of the claims and all changes in the current claims have been made vis-a-vis the original patent and not in comparison to prior amendments. Remarks and disclosure support for the above amendments can be found in the Applicant's responses filed September 17, 1999 and May 5, 2000.

With the current amendment, claims 62-63, 95, 130-131, 140-141, 146, 151-163 and 165 have been cancelled. These cancellations are consistent with the September 17, 1999 and May 5, 2000 amendments. New claims 164 and 166-168 added by the current amendment are claims that were added in previous amendments that did not comply with 37 C.F.R. 1.121(b). Claims 163 and 165 were added and cancelled in the previous amendments and are therefore not included in the current amendment.

With the above claims in compliance with 37 C.F.R. 1.121(b), the included original patent, and the included supplemental reissue oath/declarations, it is respectfully submitted that this case is in condition for allowance.



-14-

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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